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#101101
6-15-94
Patents
D. Smith

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 7913ZAZY

Anticipated Classification
of this Application:

Class _____ Subclass _____

Prior Application:

Serial No.: 855,959

Examiner: S. Kalinchak

Art Unit: 1103

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

TRANSMITTAL OF FILING UNDER 37 C.F.R. \$1.60

Sir:

This is a request for filing a

☒ continuation ☐ divisional

application under 37 C.F.R. \$1.60 of pending prior application

Serial No. 855,959, filed on March 23, 1992

of Donald R. Huffman, et al.

for NEW FORM OF CARBON

1. Prior Application

I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the declaration or oath as originally filed (37 C.F.R. \$1.60).

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" mailing label number: TB038109786US
Date of Deposit: May 2, 1994

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" services under 37 C.F.R. \$1.10 on the date indicated above and is addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231.

Dated: May 2, 1994

Lillian Smith

The copy of the papers of the prior application as filed which are attached are as follows:

- ☒ 19 page(s) of specification
- ☒ 4 page(s) of claims
- ☒ 1 page(s) of abstract
- ☒ 4 page(s) of drawing
- ☒ 2 page(s) of declaration and power of attorney

If the copy of the declaration being filed does not show applicant's signature, indicate thereon that it was signed and complete the following:

☐ in accordance with the indication required by 37 C.F.R. §1.60(b), my records reflect that the original signed declaration showing applicant's signature was filed on _____.

☐ the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 C.F.R. §1.60(b), that this amendment did not introduce new matter therein.

2. Amendments

☒ Cancel in this application original Claims

14-44

of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ A preliminary amendment is attached. Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.

3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered), it may be desirable to file a petition for suspension of prosecution for the time necessary).

☐ There is provided herewith a Petition to Suspend Prosecution for the Time Necessary to File an Amendment (New Application File Concurrently).

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS FILED				
	Number Filed	Number Extra	Rate	Basic Fee \$710.00
Total Claims	13 - 20 =	0	x \$ 22.00	0
Independent Claims	1 - 3 =	0	x \$ 74.00	0
Multiple Dependent Claim(s), if any,			\$230.00	0

☐ Fee for extra claims is not being paid at this time.

Filing fee calculation \$ 710.00

5. Small Entity Status

☒ A verified statement that this filing is by a small entity

☐ is attached

☒ has been filed in the parent application and such status is still proper and desired (37 C.F.R. §1.28(a))

Filing fee calculation (50% of above) \$ 355.00

NOTE: Any excess of the full fee paid will be refunded if a verified statement under §1.27 and a request for refund are filed within 2 months of the date of timely payment of a full fee. 37 C.F.R. §1.28(a).

NOTE: 37 C.F.R. §1.28(a), last sentence states: "Applications filed under §1.60 or §1.62 of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired."

6. Fee Payment Being Made at This Time

Not Enclosed

☐ No filing fee is submitted. This and the surcharge required by 37 C.F.R. §1.16(e) can be paid subsequently.

Enclosed

☒ Filing Fee \$ 355.00

7. Method of Payment of Fees

☐ Attached is a check in the amount of \$ _____

☒ Charge Deposit Account No. 19-3886 in the amount of \$ 355.00. A duplicate copy of this sheet is attached.

8. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper to Deposit Account No. 19-3886. A duplicate copy of this sheet is attached.

☒ 37 C.F.R. §1.16 (filing fees and presentation of extra claims)

☒ 37 C.F.R. §1.17 (application processing fees)

9. Drawings

a. ☒ Transfer the drawings for the prior application to this application and, subject to Item 16 below, abandon said prior application as of the filing date accorded this application. A duplicate copy

of this request is enclosed for filing in the prior application. (May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 C.F.R. §1.138 and before payment of the issue fee.)

- b. ☐ New drawings are enclosed
☐ formal
☐ informal

10. Priority - 35 U.S.C. §119

- ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
- ☐ The certified copy has been filed on _____ in prior U.S. application Serial No. _____, which prior application was filed on _____.
- ☐ The certified copy will follow.

11. Relate Back - 35 U.S.C. §120

Amend the specification by inserting before the first line, the sentence:

"This is a ☒ continuation ☐ divisional of copending application

☒ Serial No. 855,959 filed on March 23, 1992 which is a Rule 60 Continuation of Serial No. 781,549 filed October 22, 1991, now abandoned, which is a Divisional of Serial No. 580,246 filed September 10, 1990, which is a C-I-P of Serial No. 575,254 filed August 30, 1990, now abandoned."

- ☐ International Application PCT/_____/_____,
filed on _____ and which
designated the U.S."

12. Inventorship Statement

NOTE: If the continuation or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation or divisional application. 37 C.F.R. §1.60(b) [emphasis added].

With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application, and it is requested that the following inventor(s) identified above for the prior application be deleted:

(Type name(s) of inventor(s) to be deleted)

13. Assignment

☒ The prior application is assigned of record to

Research Corporation Technologies, Inc.;

assignment recorded in PTO on December 31, 1990

at Reel 5569, Frame 852-854.

14. Power of Attorney

☒ The power of attorney in the prior application is to

Leopold Presser

Attorney

19,827

Registration No.

- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear on the original papers, a copy of the power in the prior application is attached.
- c. ☐ A new power has been executed and is attached.

- d. ☒ Address all future correspondence to

Leopold Presser, Esq.
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

(516) 742-4343

15. Maintenance of Copendency of Prior Application

- ☒ A petition and fee have been filed to extend the term in the pending prior application until
May 2, 1994.

- ☒ A copy of the petition for extension of time in the prior application is attached.

16. Abandonment of Prior Application (if applicable)

- ☒ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in Item 11 above.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

Unites States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: May 2, 1994


Leopold Presser
Registration No. 19,827

P.O. Address of signatory:

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343

☒ Attorney or agent of record

☐ Filed under Rule 34(a)



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Donald R. Huffman, et al.

Examiner: S. Kalinchak

Serial No.: 855,959

Art Unit: 1103

Filed: March 23, 1992

Docket: 7913ZAZ

For: FORM OF CARBON

Dated: May 2, 1994

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

PETITION FOR EXTENSION OF TIME

Sir:

Pursuant to 37 C.F.R. §1.136(a), an extension of time
OTHER THAN A

SMALL ENTITY

SMALL ENTITY

of <input type="checkbox"/> one month	\$ 110.00	<input type="checkbox"/> one month	\$ 55.00
<input type="checkbox"/> two months	360.00	<input type="checkbox"/> two months	180.00
<input type="checkbox"/> three months	840.00	<input type="checkbox"/> three months	420.00
<input type="checkbox"/> four months	1,320.00	<input checked="" type="checkbox"/> four months	660.00

is hereby requested to ☐ respond to the Official Action
mailed: _____;

☐ file a Notice of Appeal in response
to a final rejection mailed: _____;

☐ file an Appeal Brief now due: _____;

☒ other (specify): To file a Rule 60

Continuation Application

The requisite fee pursuant to 37 C.F.R. §1.17 is:

☐ enclosed by check.

☒ to be charged to Deposit Account No. 19-3886. A duplicate
copy of this sheet is attached.

☒ The Commissioner is hereby authorized to charge payment of
any fees associated with this communication or credit any
overpayment to Deposit Account No. 19-3886. A duplicate
copy of this sheet is attached.

Respectfully submitted,

Mark J. Cohen
Registration No. 32,211

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first class
mail in an envelope addressed to: Commissioner of Patents and
Trademarks, Washington, DC 20231 on May 2, 1994.

Dated: May 2, 1994

Mark J. Cohen